

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

ANTHONY YOUNG,	*
Petitioner,	*
v.	* CIVIL ACTION NO. 1:05-CV-582-F (WO)
RUSSELL HOSFORD, <i>et al.</i> ,	*
Respondents.	*

RECOMMENDATION OF THE MAGISTRATE JUDGE

Petitioner, Anthony Young [“Young”], is currently incarcerated in Bristol, Florida. This case is before the court on Young’s writ of habeas corpus under 28 U.S.C. § 2241. He seeks dismissal of state charges because, he contends, Alabama has failed to try him within the 180-day limit established by the Interstate Agreement on Detainers, 18 U.S.C. app. 2, § 2. Respondents filed an answer to Young’s petition on July 22, 2005. (Doc. No. 12.) They asserted therein that the instant petition should be dismissed because Young has not exhausted this claim through the state courts. (*Id.*)

In light of Respondents’ answer, the court, on July 26, 2005, directed Petitioner to show cause why his petition should not be dismissed for failure to exhaust state remedies. On July 29, 2005 Young filed a request to voluntarily dismiss his habeas petition without prejudice in order to exhaust his state remedies. (Doc. No. 14.) Upon consideration of Petitioner’s motion for voluntary dismissal, and for good cause, the undersigned concludes that the motion is due to be granted.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that:

1. Petitioner's Motion to Voluntarily Dismiss Petition for Habeas Corpus without Prejudice (Doc. No. 14) be GRANTED; and

2. The Petition for Habeas Corpus be DISMISSED without prejudice.

It is further

ORDERED that the parties are DIRECTED to file any objections to the said Recommendation on or before August 15, 2005. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 2nd day of August, 2005.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE